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IZAGUIRRE, ISMAEL				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/579,023

**Applicant(s)**

JIANG ET AL.

**Examiner**

Ismael Izaguirre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)  
Paper No(s)/Mail Date 5/10/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not properly state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

## **CLAIMS**

### ***Summary***

Claims 1, 7 and 9 are the independent claims under consideration in this Office Action.

Claims 2-6, 8 and 11 are the dependent claims under consideration in this Office Action.

### ***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 7 and 9, A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, the claims recite the broad recitation "treating garments" and the claim also recites "in particular dewrinkling garments" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 7-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Harrod et al. (5,636,773).

Harrod et al. teach a device for treating garments, in particular for dewrinkling garments. The apparatus taught includes two portions, a first portion is located on the right hand side of figure 1 and comprises a garment holding enclosure which receives, encloses and moistens the garment. This portion involves placing the garment on a steam permeable dummy and treating the garment using platens which push against and dewrinkle the garment along with the application of steam onto the garment. The second portion 212 of the apparatus is positioned outside of the enclosure and includes a garment moistening tool for ironing and moistening the garment using pressing members or irons 226, 228, 230 and supporting pads 218 and 220. A moisture or steam supplying agent (figure 8) is provided for supplying the moistening tool and the holding enclosure with steam in the processing of the garments.

Claims 1, 2 and 7-9 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Korean document (20-0201898).

Korean document teaches a device for treating garments, in particular for dewrinkling garments. The apparatus taught includes two portions, a first comprising a garment holding enclosure 110 which receives, encloses and moistens garments which are supported by a series of racks or hangers. This portion involves placing the garment on a hanger and treating the garment using steam. The second portion of the

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apparatus is positioned outside of the enclosure, on the door of the enclosure. This comprises a garment moistening tool 170 for ironing and moistening the garment using a pressing member or iron 178 and a supporting pad 172 which is permeable to steam via steam holes 173. A moisture or steam supplying agent (120, 132, 154 and 177 are provided for supplying the moistening tool and the holding enclosure with steam in the processing of the garments.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Korean document in view of Stillwell, Jr. (2,785,557).

Korean document discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Korean document teaches an enclosure for treating garments and a moistening tool outside the enclosure for pressing the garment. While the moistening tool is taught as including an ironing board 172, this is not taught as located on top of the garment holding enclosure.

Stillwell, Jr. teaches an apparatus for the treating of garments including an enclosure 24 for moistening and receiving and enclosing garments and further includes

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an ironing tool 26 located outside the enclosure and specifically located on top of the enclosure.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the ironing board garment moistening tool of Korean document as including an ironing board located on top of the enclosure. Providing this would allow for a more compact apparatus widthwise and thus would occupy less room widthwise.

#### ***ALLOWABLE SUBJECT MATTER***

Claims 3 and 6 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

#### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart, Chen et al., Bullock and Eichholz illustrate garment treating apparatus including enclosures with steam treatment. Adams and Hauser illustrate irons in combination with ironing boards or garment supports.

#### ***INQUIRIES***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/  
Primary Examiner, Art Unit 3765

II  
7/3/2008